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EXAMINER

LUONG, ALAN H

ART UNIT	PAPER NUMBER
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4126

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/672,653

Applicant(s)

KARAOGUZ ET AL.

Examiner

ALAN LUONG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
Incomplete US Patent Application Serial No. of Paragraph [0002] line 5 and 8.
Appropriate correction is required.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 9, 16 and 25 recite "access restrictions or/and limitations" which is not supported by the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of

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35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims **1-4,6,7, 9, 16-20 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2002/0059621 A1 (US'621) to Thomas et al.; in view of US Patent No. 7,134,131 (US'131) to Hendricks et al.

Regarding to claim 1: Thomas discloses a system for billing and authentication of a communication device in a communication network, comprising:

at least one communication device (set top box 264 and 269; para.[0056]) deployed in at least one location (260 and 265 of Fig. 2; para.[0051]);

a communication network (270 of Fig. 2) communicatively coupled to (260 and 265 are coupled with 270 ; see Fig. 2) the at least one location (para. [0056];

information content (user-specific data or account information, para. [0092]) residing on at least one of the communication network (remote server 210 of Fig. 2) and the at least one location (communication device 264 inside set top box 263 at user device 260, see Fig. 2, para.[0056]).

Thomas fails to disclose a card carrying information related to one or more user-defined selections of the information content; wherein the card allows the at least one communication device to access the user-defined selections.

Hendricks discloses a card (smart card 180) carrying information related to one or more user-defined selections (col.10. lines 10-15) of the information content (programming 115), wherein the card allows the at least one communication device (TV 171) to access the user-defined selections (Fig. 4b, 4c, col. 8, lines 19-36 and Fig. 8 col. 19 lines 23-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify a smart card as interface device as taught by Hendricks in Thomas's system; in order to access the user's defined content in media exchange network.

Regarding to claim 2: Thomas discloses the system according to claim 1, wherein the communication network comprises at least one of a third party media server (Remote server network 210), a media storage server (211, 212 of Fig. 2, para.[0059][0060]), a broadband access headend (150 of Fig.1), a cable infrastructure, a satellite network infrastructure (para. [0039]), a digital subscriber line infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, a closed communication infrastructure, a local area network, and a wireless infrastructure (see para. [0058] lines 7-14) .

Regarding to claim 3: Hendricks discloses the system according to claim 1, wherein the communication network comprises an Internet (US'131, 105 of Fig. 1, 4a; col. 4 lines 34-45, col. 5 line 5, col. 6 lines 30-31).

Regarding to claim 4: Thomas discloses the system according to claim 1, wherein the communication network comprises a local area network (para.[0058] lines 7-14).

Regarding to claim 6: Hendricks discloses the system according to claim 1, wherein the at least one communication device comprises at least one of a computer (172), a storage device (220), a media peripheral (VCR 175), set-top box circuitry (220), a television (TV 170), a display (170), and a remote control (900). (Fig. 4a, col. 6 lines 13-45).

Regarding to claim 7: Hendricks discloses the system according to claim 1, wherein the information content comprises at least one of third party (cable headend 208 and file server 215, see Fig. 6c) media content digital video (other digital signals), digital images, digital audio (digitally compressed signal) (col. 12 lines 38-45), documents, files (programming logic and text, col. 7 lines 26-31), broadcast television programs, radio channels, news programming, sporting events programming, special programming (col. 4 lines 46-56), and on-demand movies (pay-per-view, col.4 line42) (208 of Fig. 2).

Regarding to claim 9: On the system according to claim 1; Thomas teaches an upload and download features relating to content push restrictions or limitations, and information relating to content access restrictions or limitations (para.[0125, 0126] and [0127]), but fails to teach wherein the information carried on the card is related to at least one of accessing the user-defined selections by the at least one communication device, processing the user-defined selections by

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the at least one communication device, pushing the user-defined selections onto the communication network, pushing user-created information content onto the communication network, information relating to securing a payment, information relating to payment terms, information relating to billing.

Hendricks teaches the information (the program guide from broadcast provider, see col.31 line61-63) carried on the card (smart card 180) is related to at least one of accessing the user-defined selections (on program guide, col. 31 lines 52-60) by the at least one communication device (220, 180 and TV 171 of Fig. 10), processing the user-defined selections by the at least one communication device, pushing the user-defined selections (Fig. 15 a, col. 32 lines 27-39) onto the communication network (EPG form at web site 106 on Internet 105, col. 31 lines 52-58), pushing user-created information content (Fig. 15b, col. 32 lines 55-66) onto the communication network, information relating to securing a payment, information relating to payment terms (col. 28 lines 41-52), information relating to billing (col.28 lines 21-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the information carried on the card is related to at least one of accessing the user-defined selections by the at least one communication device, processing the user-defined selections by the at least one communication device, pushing the user-defined selections onto the communication network, pushing user-created information content onto the communication network, information relating to securing a payment, information relating to payment terms, information relating

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to billing as taught by Hendricks in Thomas 's system, in order to provide the access right and billing method for the exchange media network.

Regarding to claim 16, 25: According to system above, Thomas teaches an upload and download features relating to content push restrictions or limitations, and information relating to content access restrictions or limitations (para.[0125, 0126] and [0127]), but fails to teach the system wherein the authentication and billing information is related to at least one of information relating to securing a payment, information relating to payment terms, information relating to billing.

Hendricks teaches the system wherein the authentication and billing information (179, 191 and 194 of Fig. 10 and col. 26 lines 25-60) is related to at least one of information relating to securing a payment, information relating to payment terms, information relating to billing (col. 28, lines 21-24). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system wherein the authentication and billing information is related to at least one of information relating to securing a payment, information relating to payment terms, information relating to billing as taught by Hendricks in Thomas 's system, in order to provide the access right to the licensed digital content or user's private file and billing method in media exchange network.

Regarding to claim 17: Thomas teaches a method for billing and authentication of a communication device in a communication network, comprising:

a) selecting media exchange services (on-demand-media distribution system or user-specific files, para. [0107, 0121]) to be provided to a first communication device (on display 262 with device 264 at user 260) and a second communication device (on display 267 with device 269 at user 265), the media exchange services relating to user-defined selections of information content (para. [0087])(steps 902 and 903 of Fig. 9, para. [0101, 0102]).

giving access (para. [0080], step 904 or 906 of Fig. 9 para. [0103,0104]) to the selected media exchange services above available on the communication network (remote server network 210) by remote control 300; communicatively with the first communication device (display screen 600 of Fig. 6A on display 262 with 264 of Fig. 2, para. [0081]). Thomas fails to teach purchasing a card the card giving access to the selected media exchange services available on the communication network communicatively coupling the card with the first communication device.

Hendricks teaches purchasing a card (a smart card/ cash card, see col. 19 lines 9-22 and 180 of Fig. 14, col. 31 lines 22-26) the card giving access to the selected media exchange services available on the communication network (col. 27 line 60 to col. 28 line11);

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c) communicatively coupling the card (180) with the first communication device (set top terminal 220)(see Fig. 12, col.27 lines 60-67); Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify a smart card as interface device as taught by Hendricks in Thomas's method; in order to provide the access user's defined content information in media exchange network.

Regarding to claim 18: Thomas teaches the method according to claim 17, further comprising:

e) allowing (relocate feature allow a user to freeze program on user equipment 260 and resume to another user 265, para.[0087]) program the second communication device to access the selected media exchange services

Regarding to claim 19 In Thomas' system as claim 17 above, the media exchange services (120, 130 and 140 through communication network 170, see Fig. 1 para. [0036, 0037]) comprise at least one of granting the first communication device (264 of Fig. 2) or the second communication device (269 of Fig. 2) access (310 on remote control 300 of Fig. 3) to the user-defined selections (para. [0063]), processing the user- defined selections (para. [0080, 0081]) by the first communication device (remote control 300 to communication device 264, Fig. 2) or the second communication device (or 300 on 269 of Fig. 2), pushing the user-defined selections onto the communication network (para. [0081] and Fig. 6A), and pushing user-created information content (para. [0093]) onto the communication network (at user equipment 260 or 265 of Fig. 2) or

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between the first communication device and the second communication device (stored in a section of remote server network 110 of Fig. 1, see para. [0092]).

Regarding to claim 20: Thomas teaches the method according to claim 17, further comprising:

e) allowing (step 907 of Fig.9, para. [0104]) the second communication device (set top box 268 in user equipment 269, Fig. 2) to access user-created information content (steps 902, 904 of Fig. 9, para. [0103, 0104]) that is available to the first communication device (para. [0092])

6. Claims **5 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al., in view of Hendricks et al. and US Pub. No. 2004/0235521 A1 (US'521) to Pradhan et al.

Regarding to claim 5: Thomas and Hendricks teach the system according to claim 1, but fails to teach the communication network comprises at least one of an Ethernet and an 802.11 (b) wireless network.

Predhan teaches the communication link is a wireless link comprising a local area networks (LANs) at least one of an Ethernet and 802.11 (b)., (see para. [0055],[0056]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify a local area networks includes an Ethernet and 802.11 (b) as taught by Pradhan in order to complete a communication network for media exchange.

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Regarding to claim 8: Thomas and Hendricks teach the system according to claim 1, wherein the card comprises at least one of a chip-enabled card (col. 41 lines 28-46, card 700 of Fig. 21), but fails to disclose a magnetic strip card, and a Subscriber Identity Module (SIM) card.

Predhan teaches a media card, as a purchased card's user comprises a chip-enabled card, a magnetic strip card (para. [0030, 0031] and [0033]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify a card includes a magnetic strip card as taught by Pradhan, in order to completely description of the smart card in a digital media exchange.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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8. Claims **10-15, 21-24** are rejected under 35 U.S.C. 102(e) as being anticipated by US Pub. No. 2002/0059621 A1 (US'621) to Thomas et al.

Regarding to claim 10: Thomas discloses a system for billing and authentication of a communication device in a communication network, comprising:

a first communication device (input device 261 and 264) deployed at a first location (User equipment 260)(Fig. 2);

a second communication device (input device 266 and 269) deployed at a second location (user equipment 265)(Fig. 2);

a communication network (270) communicatively coupled to (user equipment 260) the first location and the second location (user equipment 265) (see Fig. 2);

an independent server (remote server network 210) residing on the communication network (270); and information content (on-demand media content and data, para. [0059]) residing on at least one of the first location (user 260), the second location (user 265), and the communication network (270), wherein the independent server (210) is adapted to provide media exchange services related to user-defined selections of information content (para. [0061]) to the first communication device (264) and the second communication device (269), upon receipt of authentication (log in 314 and log out 316 on remote control 300, Fig. 3, para. 0063] and para.[0080, 0081]) and billing information

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(Billing INFO button on remote control 300, see Fig. 3 para. [0067]) from the first communication device (remote control 300 to communication device 264) (see Fig. 2 and 3).

Regarding to claim 11: Thomas also discloses the communication network comprises at least one of a third party media server (Remote server network 210), a media storage server (211, 212 of Fig. 2, para.[0059][0060]), a broadband access headend (150 of Fig.1), a cable infrastructure, a satellite network infrastructure (para. [0039]), a digital subscriber line infrastructure, an Internet infrastructure, an intranet infrastructure, a wired infrastructure, a closed communication infrastructure, a local area network, and a wireless infrastructure (see para. [0058] lines 7-14) .

Regarding to claim 12: Thomas also discloses the communication network comprises an Internet (see para. [0044] lines 5-6).

Regarding to claim 13, 14: Thomas further discloses at least one communication device (150 and 160 of Fig. 1) comprises a cable headend, TV, a satellite TV distribution facility, any other facility for distributing on-demand media content and user TV, user PC and user audio equipment. (see para. [0039] and [0040]).

Regarding to claim 15: In Thomas' system as claim 10 above, the media exchange services (120, 130 and 140 through communication network 170, see Fig. 1 para. [0036, 0037]) comprise at least one of granting the first communication device (264 of Fig. 2) or the second communication device (269

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of Fig. 2) access (310 on remote control 300 of Fig. 3) to the user-defined selections (para. [0063]), processing the user-defined selections (para. [0080, 0081]) by the first communication device (remote control 300 to communication device 264, Fig. 2) or the second communication device (or 300 on 269 of Fig. 2), pushing the user-defined selections onto the communication network (para. [0081] and Fig. 6A), and pushing user-created information content (para. [0093]) onto the communication network (at user equipment 260 or 265 of Fig. 2) or between the first communication device and the second communication device (stored in a section of remote server network 110 of Fig. 1, see para. [0092]).

Regarding to claim 21: Thomas teaches a method for billing and authentication of a communication device in a communication network, comprising:

a) selecting media exchange services (an VOD program, para. [0077] line 1-2) to be provided to a first communication device (display screen 450 of Fig. 4B of display 262 in user devices 260 of Fig. 2) and a second communication device (display screen 450 of Fig. 4B of display 267 in user devices 265 of Fig. 2), the media exchange services relating to a user-defined selection of information content (para. [0077]) that is available on the communication network.

b) establishing a subscription (by ordering display screen 550) with an independent server (remote server network 210 of Fig. 2 as VOD server) located on the communication network (270 of Fig. 2 as cable headend) the subscription

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allowing for access (display screen 550 of Fig. 5B) by the first communication device (display 262 of user equipment 260 of Fig. 2) and the second communication device (display 267 of user equipment 269 of Fig. 2) to the selected media exchange services (VOD program) available on the communication network (cable headend in network 270)(also see para. [0077 to 0079] and Fig. 5A and 5B)

c) entering identification information (PIN, see para. [0080]) via the first communication device (display screen 500 of Fig. 5A), the identification information validating the subscription (button 557 of Fig. 5B is selected, see para. [0081]) and

d) accessing (the request VOD program may be displayed, see para.[0081] lines6-8) the selected media exchange services by the first communication device (display screen 600 of Fig. 16A on display device 262 of user device 260)

Regarding to claim 22: Thomas teaches the method according to claim 21, further comprising:

e) allowing (relocate feature allow a user to freeze program on user equipment 260 and resume to another user 265, para.[0087]) program the second communication device to access the selected media exchange services .

Regarding to claim 23: Thomas teaches the method according to claim 21, further comprising:

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e) allowing (step 907 of Fig.9, para. [0104]) the second communication device (set top box 268 in user equipment 269, Fig. 2) to access user-created information content (steps 902, 904 of Fig. 9, para. [0103, 0104]) that is available to the first communication device (para. [0092])

Regarding to claim 24: In Thomas' system as claim 21 above, the media exchange services (120, 130 and 140 through communication network 170, see Fig. 1 para. [0036, 0037]) comprise at least one of granting the first communication device (264 of Fig. 2) or the second communication device (269 of Fig. 2) access (310 on remote control 300 of Fig. 3) to the user-defined selections (para. [0063]), processing the user-defined selections (para. [0080, 0081]) by the first communication device (remote control 300 to communication device 264, Fig. 2) or the second communication device (or 300 on 269 of Fig. 2), pushing the user-defined selections onto the communication network (para. [0081] and Fig. 6A), and pushing user-created information content (para. [0093]) onto the communication network (at user equipment 260 or 265 of Fig. 2) or between the first communication device and the second communication device (stored in a section of remote server network 110 of Fig. 1, see para. [0092]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is


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(571) 270-5091. The examiner can normally be reached on Mon.-Thurs.,
8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The
fax phone number for the organization where this application or proceeding is
assigned is 571-273-8300.

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9199 (IN USA OR CANADA) or 571-272-1000.

Alan H. Luong
Art Unit 4126
Date 10/18/2007


DENNIS DOON CHOW
SUPERVISORY PATENT EXAMINER